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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 DARRYN DALE MELTZER,)

11 Defendant.)

Case No. CR08-114-MJP

**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE**

12
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on July 23,
15 2009. The defendant appeared pursuant to a summons issued in this case. The United States
16 was represented by Adam Cornell, and defendant was represented by Ralph Hurvitz. Also
17 present was Senior U.S. Probation Officer Steven R. Gregoryk. The proceedings were digitally
18 recorded.

19 CONVICTION AND SENTENCE

20 Defendant was sentenced on September 5, 2008 by the Honorable Marsha J. Pechman for
21 Misprison of a Felony. He received 4 years of probation which included home confinement for
22 180 days and 200 hours of community service.

1 PRESENTLY ALLEGED VIOLATIONS AND
2 DEFENDANT'S ADMISSION OF THE VIOLATION

3 In a petition dated April 13, 2009, Senior U.S. Probation Officer Steven R. Gregoryk alleged
4 that defendant violated the following conditions of supervised release:

5 1. Committing the crime of possession of a controlled substance, on or about March 27,
6 2009, in violation of the general condition that defendant not commit another crime.

7 On July 23, 2009, the probation office and government moved to amend the allegation to:
8 Committing the crime of soliciting possession of a controlled substance, a misdemeanor, on or
9 about March 27, 2009, in violation of the general condition that defendant not commit another
10 crime. The Court granted the motion to amend and advised defendant of the amended violation
11 and his right to an evidentiary hearing.

12 Defendant admitted the above violation, waived any hearing as to whether they occurred,
13 and was informed the matter would be set for a disposition hearing August 7, 2009 at 11:00 a.m.
14 before District Judge Marsha J. Pechman.

15 RECOMMENDED FINDINGS AND CONCLUSIONS

16 Based upon the foregoing, I recommend the court find that defendant has violated the
17 conditions of his supervised release as alleged above, and conduct a disposition hearing.

18 DATED this 23rd day of July, 2009.

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20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
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